IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 8TH MARCH 2007 / 17TH PHALGUNA 1928

Bail Appl..No. 721 of 2007()

CRIME NO. 383 OF 2006 OF TOWN SOUTH POLICE STATION

PETITIONER/ACCUSED:

PRABHOSH, S/O.SWAMINATHAN,
THONIPALLAM HOUSE, THEKKEDESAM,
NALLEPULLI, CHITTUR, PALAKKAD.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM REPRESENTING S.I.OF POLICE,
TOWN SOUTH POLICE STATION,
PALAKKAD.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application NO. 721 OF 2007

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DATED: 08-03-2007

O R D E R

Petitioner who is the 2nd accused in Crime No. 383/06 of Town South Police Station, Palakkad for offences punishable under Section 143, 147, 148, 452, 324, 326, 427 and 307 read with Section 149 I.P.C. and Section 27 of the Arms Act, 1959, seeks his enlargement on bail. The occurrence took place on 17-10-2006. The petitioner was arrested on 5-1-2007.

2. Eventhough the learned Public Prosecutor opposed the application submitting inter alia that the petitioner is a known 'gunda' and an accused in five other crimes and that this was a daring act committed by 8 persons by attacking the de facto complainant after trespassing into the hospital where he was admitted he fairly conceded that the final report has not been filed even after 60 days of judicial custody of the petitioner. If so, by virtue of the proviso to sec.167(2) Cr.P.C. the petitioner is entitled to be released on bail as of right.

3. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs. 20,000/- (Rupees twenty

thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-III, Palakkad and subject to the following conditions:-

1. *Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.*
2. *Petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.*
3. *The petitioner shall make himself available for interrogation as and when required by the investigating officer.*
4. *Petitioner shall not commit any offence while on bail.*

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE

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